



FIRE FIGHTER ISSUES BOOK

127th Legislative Session





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OHIO ASSOCIATION OF PROFESSIONAL FIRE FIGHTERS

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Dear Member of the Ohio General Assembly,

On behalf of the nearly 10,000 men and women who make up the Ohio Association of Professional Fire Fighters, we are pleased to provide you with a copy of our 2008 Issues Book. The 127th General Assembly is expected to address many issues of concern to our members who deliver fire, rescue, and emergency medical services to the majority of Ohio's citizens. This briefing book is intended to provide you with a better understanding of the issues and our position on these most important matters.

Today, we have professional fire fighters representing jurisdictions from all across Ohio coming to Columbus to attend the Inaugural Ohio Association of Professional Fire Fighters Legislative Conference and to meet with their elected representatives. We hope that you have an opportunity to meet with your fire fighter-constituents and discuss the issues described on these pages. We trust you will continue to seek the perspective of Ohio's front line emergency responders regarding legislative matters of importance to our profession.

We thank you in advance for your careful consideration of these issues and our positions. The Ohio Association of Professional Fire Fighters Legislative Director Jim Carney, Legislative Committee, elected officers and staff stand ready to assist you throughout the remainder of the session.

Please do not hesitate to call upon us. We look forward to a cooperative and productive legislative session.

Sincerely,

Mark A. Sanders
President

House Bill 371

Equal Protection for Township Fire Fighters

Background:

House Bill 371 was introduced by Representative Flowers and fifty-eight bipartisan cosponsors. ORC 4117.01 (B) defines townships as public employers only when the Township has an unincorporated population of greater than 5000 according to the last federal decennial census. Presumably this was intended to allow small townships the ability to opt out of collective bargaining. However this loophole is being used to deny collective bargaining rights to fire and EMS personnel across the State and particularly in Franklin County.

The “loophole” is created by the definition of a public employer in ORC 4117.01(B). As a result of this oversight certain firefighters who are employed by relatively large fire departments have no right or ability to collectively bargain with their employers. More specifically, because the statute defined “public employer” only by reference to the population in the unincorporated area of the township, these firefighters are not treated the same as their peers who are employed by other fire departments of similar size. For example, some townships encompassing an incorporated area have less than five thousand population in the unincorporated area, but have well over five thousand in the city or village served by the township. It should be noted that; the township has a statutory obligation to provide fire protection to incorporated subdivisions of the state within the boundaries of the township, the residents of the municipality are often trustees in the township, they vote on township tax issues, pay the same taxes to the township for fire protection and are counted by the township for state and federal grants.

A prime example of this is the Washington Township Fire Department, Franklin County. The total population of Washington Township is 29,534. This includes 27,087 in the City of Dublin and 2,447 in the unincorporated areas of Washington Township. The Washington Township Fire Department employs over 100 fulltime personnel, has 4 fire stations and a budget of over 15 million dollars. This is a large suburban department, the second largest in the county. Protection from collective bargaining for small under funded townships does not apply.

Another issue of utmost importance is the ability for “loophole” employees to engage in work stoppages and other job actions. The statute in the current form leaves certain firefighters without collective bargaining rights and it also does not prohibit those same firefighters from engaging in work stoppages. The proposed change to ORC 4117.01(B) would allow these firefighters to collectively bargain and, at the same time, prohibit work stoppages and other job actions. Binding arbitration would be used for dispute resolution and the public would be assured of uninterrupted safety services.

The latest court decision concerning this matter came from Jackson Township, Franklin County. The case, IAFF Local 2672 v. Ohio State Employment Relations Board, Case No. 99CVF-02936, Franklin C.P. May 18th, 2000, represents the complete undermining of the statute. Local 2672 was in negotiations with the township, when the negotiations became difficult the trustees simply decided to stop and decertify the local. This is certainly the epitome of bad faith bargaining. Local 2672 filed suit on several grounds but eventually lost the suit. While this is an injustice, it is worth noting that Judge Travis in this case did site the disparity in the statute “township firefighters are treated differently” but that the matter must be addressed in the legislature. The decision has limited any other recourse through the courts, forcing the issue to the forefront of our legislative agenda.

House Bill 371

Equal Protection for Township Fire Fighters

Legislative Action:

HB 371 is currently in the House State Government and Elections Committee. The Ohio Association of Professional Firefighters urges swift passage of this legislation.



Key Points:

- Townships have a statutory obligation to provide fire protection to incorporated political subdivisions of the state within the boundaries of the township.
- Residents of incorporated municipalities within a township are electors of the township, can be and often are township trustees and or fiscal officers, and vote on township tax issues with regard to fire protection.
- Townships use both the unincorporated and incorporated population of the township for state and federal grant requests.
- Townships collect taxes for fire protection from residents of incorporated municipalities within the boundaries of the township in the same manner as unincorporated residents of the township.
- Townships that choose not to participate in collective bargaining are not considered public employers by statute; therefore the employees may engage in job actions such as strikes, work stoppages, slowdowns, and work to rule.
- A judicial decision relates that there is a disparity in the treatment of these fire fighters and that it is a legislative matter.
- The fire fighters involved have been organized for many years. This is not a power grab by any union. The state has an obligation to provide equal protection and this technical amendment will address this disparity while ensuring uninterrupted safety services for the citizens of Ohio.
- Without collective bargaining the recourse for grievances and discipline are through the courts, which is expensive and a waste of taxpayer dollars.

Increased paid military leave for public safety employees.

Background:

In 1994 the state legislature amended section 5923.05 of the ORC to establish and define minimum requirements for paid military leave of public employees serving in the National Guard or Armed Forces Reserve. This legislation changed the definition of one month of paid leave from thirty-one 24 hour days (744 hours) to 22 eight hour days (176 hours).

The 22 eight hour days is based on the typical schedule of a public employee working five, eight hour days Monday through Friday, forty hours per week, 2080 hours per year.

Fire and EMS personnel typically work 56 hours per week on a platoon system of 24 hours per workday every third day including weekends, averaging 56 hours per week, 2912 hours per year.

The result of this discrepancy is that public safety employees often must use earned compensatory or vacation time to fulfill their service to our country.

Members of the Ohio National Guard and the Armed Forces Reserves are required to attend monthly weekend training as well as an annual two week training session.

The 24 hour per day, 365 days per year operations of public safety departments and the associated scheduling of personnel does not fit the traditional forty hour work week, upon which the current statute is based.

Legislative Action:

The Ohio Association of Professional Fire Fighters is seeking sponsors for legislation to amend ORC 5923.05, to provide public safety employees with minimum paid military leave of 17, 24 hour days (408 hours).

We strongly believe that our members should not be punished for serving our nation as well as our communities. With our great nation fighting for democracy and freedom around the world, now is the time to reassure our citizen soldiers that our government supports them and thanks them for their service.



Tangible Personal Property Tax Replacement for Local Governments

Background:

The 126th General Assembly passed sweeping tax reforms and unprecedented tax cuts with HB 66 the Ohio Budget Bill. Among the cuts was a five year phase out of the tangible personal property tax on businesses. This tax cut is intended to stimulate economic development in Ohio and create a competitive business climate. The addition of jobs created through the stimulus package was to increase income tax revenues at the state and local level. The five year plan calls for the state to make whole any lost revenues from the phase out of the tangible personal property tax.

Unfortunately, many fire and EMS agencies do not collect municipal income tax and rely solely on property taxes for revenue. The loss of this revenue in 2010 will create budget shortfalls on average of 10% for most fire and EMS agencies. Without action from the legislature, fire and EMS services will surely be reduced.

Legislative Action:

The Ohio Association of Professional Fire Fighters is seeking sponsors of legislation requiring reimbursement by the state, to local government entities, for all revenue lost due to the elimination of the tangible personal property tax.



Fire Fighter Cancer and Infectious Disease Presumptive Legislation

Background:

Ohio Fire Fighters are exposed day after day to stress, smoke, heat, and a variety of toxic substances. As a consequence, they are far more likely to develop cancer than other labor employees. As Ohio Fire Fighters progressively take up the role of the state's leading providers of emergency medical services, they are also exposed, many times unsuspectingly, to infectious disease. Cancer and infectious diseases are now among the primary cause of death and disability for fire fighters. Numerous studies have found that these illnesses are occupational hazards of fire fighting.

In acknowledgment of this association, 25 states have enacted "presumptive disability" laws, which presume that specific cancers and infectious diseases are job related for the purpose of workers' compensation and disability retirement, unless proven otherwise. No such laws protect Ohio Fire Fighters and EMS personnel.

Currently in Ohio, fire fighters must be able to identify the exact occurrence or exposure that caused a disease in order for it to be occupation related. This burden of proof is extraordinarily challenging for fire fighters to meet as they respond to a wide variety of disaster calls, constantly working in different environments, under unusual conditions, with various exposures. As a result, very few cases of occupational disease contracted by fire fighters have been deemed to be service connected.



OAPFF Position:

The OAPFF supports HB 431 Cancer and Infectious Disease Presumptive Legislation. Ohio fire fighters and EMS providers regularly respond to HAZMAT incidents, fires, rescues and work in hazardous environments. It is virtually impossible to precisely identify when and where a fire fighter contracted an occupational disease.

Fire Fighter Cancer and Infectious Disease Presumptive Legislation



Key Points:

- Ohio's fire fighters and EMS providers perform some of the most hazardous jobs in our country. They are regularly exposed to various toxic substances that are known to cause certain cancers. Many times they are unknowingly exposed to infectious diseases. Because of HIPAA regulations, fire fighters may not be notified of these exposures.
- Ohio's fire fighters are often denied benefits that are available to fire fighters in 25 other states: presumed disability coverage for occupational cancers and infectious disease.
- Under current law, Ohio fire fighters who suffer from job-related occupational cancer and infectious disease can only receive disability compensation if they can prove the precise exposure that caused the illness. The multitude of exposures and the delay in detection of disease makes it nearly impossible for Ohio fire fighters who suffer from occupational disease to receive fair and just compensation or retirement benefits.
- We need legislation that would create a presumption that fire fighters who become disabled by certain cancers and infectious diseases contracted the illness on the job.
- The presumption in the legislation is refutable, which means that a fire fighter who contracts illness from a non-work related exposure or activity would not qualify for benefits. For example, a fire fighter who smokes cigarettes could be denied disability benefits if they contract an illness that is linked to tobacco use.
- Presumptive Legislation will provide Ohio fire fighters with the same benefits that the majority of fire fighters employed in other states retain. This will help Ohio's municipalities to recruit and retain qualified fire fighters.

Ohio Arson Offender Registry

Background:

Arson is a violent crime that has tremendous costs in terms of lives, and economics.

The crime of arson is associated with not only the loss of property but the loss of lives, injuries and productivity.

A statewide arson registry, similar to other criminal registries, can assist fire investigators and law enforcement in their efforts to prevent future arsons and enhance the efficiency of arson investigation.

1999–2004 Ohio Arson Fires

Year	Structure	Vehicle	Other Fires	Total Fires	Dollar Loss	Injuries		Deaths	
						Civilian	Firefighter	Civilian	Firefighter
1999	2,604	1,749	758	5,111	\$48,187,098	62	166	16	0
2000	2,545	1,859	1,057	5,461	\$56,398,423	94	167	37	0
2001	2,552	1,836	2,125	6,513	\$55,269,603	94	156	15	0
2002	2,334	1,753	2,041	6,128	\$40,439,994	127	170	30	0
2003	2,238	1,551	2,071	5,860	\$41,899,481	88	143	29	0
2004	2,122	1,284	2,027	5,433	\$48,886,578	93	135	31	0

Legislative Action:

The Ohio Association of Professional Fire Fighters is seeking sponsors for legislation creating an Ohio Arson Offender Registry. The registry would require convicted arsonists to register with the County Sheriff of the county in which the arsonist resides. Additionally, the County Sheriff would be required to keep the name, address and contact information of the registered offenders on file.



ARSON FACTS IN THE UNITED STATES

- Arson fires kill more than 700 Americans a year.
- 55% of all those arrested for arson are under 18 years of age.
- Arson is the most expensive crime in America...costing more than \$2 billion a year in property loss.
- Only 16% of arson offenses ever lead to arrest, and only 2% of those arrests are convicted.
- More than 500,000 arson fires occur each year.



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